

**Eric J. Neiman, OSB #823513**

eneiman@ebglaw.com

**Emma P. Pelkey, OSB #144029**

epelkey@ebglaw.com

EPSTEIN BECKER & GREEN, P.C.

1050 SW 6th Avenue, Suite 1530

Portland, OR 97204

Telephone: 503.343.6475

Hon. Adrienne Nelson

**Thomas R. Johnson, OSB #010645**

Tom.Johnson@stoel.com

**Alex Van Rysselberghe, OSB #174836**

Alex.VanRysselberghe@stoel.com

STOEL RIVES LLP

760 SW Ninth Avenue, Suite 3000

Portland, OR 97205

Telephone: 503.224.3380

Facsimile: 503.220.2480

*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**PORTLAND DIVISION**

DISABILITY RIGHTS OREGON;  
METROPOLITAN PUBLIC DEFENDERS  
INCORPORATED; and A.J. MADISON,

Plaintiffs,

v.

SEJAL HATHI, in her official capacity as  
Director of Oregon Health Authority; and  
SARA WALKER, in her official capacity as  
Superintendent of the Oregon State Hospital,

Defendants,

and

Case No.: 3:02-cv-00339-AN (Lead Case)

**DECLARATION OF ERIC J. NEIMAN IN  
SUPPORT OF UNOPPOSED MOTION  
FOR LEAVE TO FILE SECOND  
AMENDED COMPLAINT**

DECLARATION OF ERIC J.  
NEIMAN IN SUPPORT OF  
UNOPPOSED MOTION FOR  
LEAVE TO FILE SECOND  
AMENDED COMPLAINT

Page 1

**EPSTEIN BECKER & GREEN, P.C.**  
1050 SW 6<sup>th</sup> Ave., Ste. 1530  
Portland, Oregon 97204  
Telephone: 503.334.6475 • Fax:  
503.343.6476

**STOEL RIVES LLP**  
760 SW Ninth Avenue, Suite 3000  
Portland, Oregon 97205  
Phone: 503.224.3380 • Fax: 1.503.220.2480

LEGACY EMANUEL HOSPITAL &  
HEALTH CENTER d/b/a UNITY CENTER  
FOR BEHAVIORAL HEALTH; LEGACY  
HEALTH SYSTEM; PEACEHEALTH; and  
PROVIDENCE HEALTH & SERVICES –  
OREGON,

Intervenors.

JAROD BOWMAN; and JOSHAWN  
DOUGLAS SIMPSON,

Plaintiffs,

v.

SARA WALKER, Superintendent of the  
Oregon State Hospital, in her individual and  
official capacity; SEJAL HATHI, Director of  
the Oregon Health Authority, in her individual  
and official capacity,

Defendants,

and

LEGACY EMANUEL HOSPITAL &  
HEALTH CENTER d/b/a UNITY CENTER  
FOR BEHAVIORAL HEALTH; LEGACY  
HEALTH SYSTEM; PEACEHEALTH; and  
PROVIDENCE HEALTH & SERVICES –  
OREGON,

Intervenors.

Case No.: 3:21-cv-01637-AN (Member Case)

LEGACY EMANUEL HOSPITAL &  
HEALTH CENTER d/b/a UNITY CENTER  
FOR BEHAVIORAL HEALTH; LEGACY  
HEALTH SYSTEM; PEACEHEALTH;  
PROVIDENCE HEALTH & SERVICES –  
OREGON; and ST. CHARLES HEALTH  
SYSTEM,

Plaintiffs,

v.

Case No.: 6:22-cv-01460-AN (Member Case)

SEJAL HATHI, in her official capacity as  
Director of Oregon Health Authority,

Defendant.

I, Eric J. Neiman, hereby declare as follows:

1. I am one of the attorneys for Plaintiffs in this case. I make this declaration based on personal knowledge.
2. Attached as Exhibit 1 are two emails from counsel for Defendant on September 19 and 30, 2024, which provide written consent to the filing of the Second Amended Complaint.
3. Attached as Exhibit 2 is a copy of the proposed Second Amended Complaint.
4. Attached as Exhibit 3 is a redline showing the differences between the operative Complaint and the proposed Second Amended Complaint.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED: October 1, 2024.

s/ Eric J. Neiman, OSB No. 823513  
Eric J. Neiman, OSB No. 823513